

FILED  
AUSTIN DIVISION

1999 JN 30 PM 3:26

WESTERN DISTRICT OF TEXAS  
U.S. CLERK'S OFFICE

BY: *P* DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

DONALD EUGENE MURPHY §  
TDCJ #501503; TCCC #99-2360 §  
§  
V. § A-99-CA-379-JN  
§  
MARSHA MCLANE, et al. §

ORDER

Before the Court is Plaintiff's complaint in which he asserts he is being confined illegally. Plaintiff sues Marsha Mclane, Joyce LaPonte, Belinda Gaines, and Jan Honea. Under the notice pleading requirement for a federal lawsuit, Plaintiff is required to state what acts each of the named defendants did to cause him damage.

It is, therefore, ORDERED that Plaintiff shall file a more definite statement in which he answers the following questions on or before July 23, 1999. See Fed. R. Civ. P. 12(e); Parker v. Carpenter, 978 F.2d 190, 191 (5th Cir. 1992); Spears v. McCotter, 766 F.2d 179, 180-81 (5th Cir. 1985). A failure to do so will cause this Court to recommend that Plaintiff's complaint be dismissed for want of prosecution.

The questions the plaintiff is ORDERED to answer are as follows:

1. In your complaint, you have named Marsha McLane as a defendant. State exactly what it is that this defendant either did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. State the employer of this defendant.

2. In your complaint, you have named Joyce LaPonte as a defendant. State exactly what it is that this defendant either did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. State the employer of this defendant.

3. In your complaint, you have named Belinda Gaines as a defendant. State exactly what it is that this defendant either did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. State the employer of this defendant.

4. In your complaint, you have named Jan Honea as a defendant. State exactly what it is that this defendant either did or failed to do while acting under color of state law that you believe violated your constitutional rights. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. State the employer of this defendant.

5. Please state whether you are alleging in this lawsuit that any of the damages which you seek to recover in this lawsuit were the product of any policy, practice, or custom of Travis County, Texas. If your answer is "yes," please identify each and every policy, practice or custom of Travis County that you allege caused any deprivation of your constitutional rights. If your answer is "no," please state each and every reason why you believe that you are entitled to recover a judgment against Travis, County, Texas in this lawsuit.



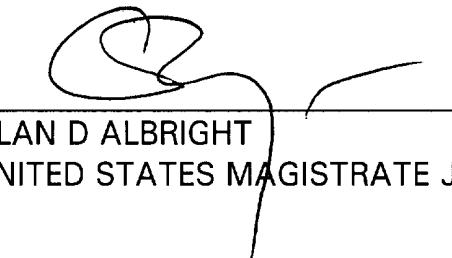


10. Plaintiff is to include the following declaration at the end of his more definite statement:

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Title 28 U.S.C. Section 1748. Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Signature of Plaintiff

SIGNED this 7<sup>2</sup> day of June, 1999.

  
\_\_\_\_\_  
ALAN D ALBRIGHT

UNITED STATES MAGISTRATE JUDGE